

Legislation will help U.S. Customs Investigate Foreign Producers Evading U.S. Trade Rules

Washington, DC – Today, Rep. Linda Sánchez, along with Reps. Walter Jones and Mark Critz, introduced the Enforcing Orders and Reducing Customs Evasion (ENFORCE) Act. The bipartisan legislation is intended to eliminate schemes by foreign producers to evade payment of antidumping and countervailing duties.

“Our US producers are being undermined by foreign competitors whose fraudulent schemes enable them to avoid paying the duties they owe,” said Rep. Linda Sánchez. **“In order to keep American producers and businesses strong, and keep Americans working, this bill ensures that Customs will aggressively enforce anti-dumping and countervailing duty orders—putting those who would break our laws on notice that flouting U.S. laws will no longer be tolerated.”**

“Trade cheats who illegally dump goods in the U.S. are going to extraordinary lengths to continue to avoid playing by the rules,” said Congressman Walter B. Jones. **“This bill would give U.S. companies the ability to compel the U.S. government to take action to stop these practices. It is long overdue.”**

“This legislation will help to protect American producers by imposing penalties on foreign competitors who violate U.S. laws on antidumping and countervailing duties,” said Congressman Mark S. Critz.

“Giving American companies the ability to petition for an investigation of these unfair practices is a win for American producers and a win for American workers.”

Antidumping duties are imposed when it is established that foreign goods are being sold (or “dumped”) in the U.S. at prices below the prices in the home market. Countervailing duties are imposed when foreign goods receive illegal subsidies that artificially hold down their prices. The duties are meant to even out these illegal practices so that American and foreign goods are

competing on a more level playing field when it comes to prices. Those who work to evade these duties are not only skirting the law, they are harming U.S. businesses and killing jobs.

The ENFORCE Act establishes procedures for investigating claims of evasion by foreign manufacturers. Domestic producers, for the first time ever, will be able to petition U.S. Customs and Border Protection to investigate possible antidumping and countervailing duty evasions. Once an investigation is initiated, CBP must make a preliminary and final determination about whether an importer is engaged in duty evasion. The legislation prescribes timelines, as well as enforcement and remedial measures for each determination.

The legislation also authorizes \$20,000,000 for the U.S. Customs to ensure ports with the highest volumes are sufficiently staffed and employees have the necessary expertise to prevent evasion of duties.

Although not identical, the Enforcing Orders and Reducing Customs Evasion (ENFORCE) Act is closely related to Senator Ron Wyden's bill, S. 3725, of the same name. A report produced by Senator Wyden's staff on antidumping and countervailing duty evasion can be read [here](#).